

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)
)
)
)
v.) Criminal No. 3:10-00302
)
[2] DAVELL BILLINGTON) Judge Trauger
)

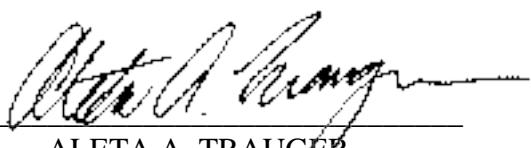
O R D E R

The petitioner's Objection (Docket No. 214) is **SUSTAINED**. In the absence of binding precedent, this court finds the Probation Office's Supplement to the Presentence Report wrongfully prepared, and the government's support for that position without merit. The Probation Office's and government's position are contrary to the limitation that a ruling on a defendant's request for a sentence reduction does "not constitute a full resentencing of the defendant" (Section 1B1.10(a)(3) and contrary to the requirement that, in determining whether the defendant is entitled a sentencing reduction, "the court shall substitute only the amendments listed in subsection (d) for the corresponding guideline provisions that were applied when the defendant was sentenced and shall leave all other guideline application decisions unaffected." (Section 1B1.10(b)(1).

By separate order, the defendant's sentence is being reduced pursuant to 18 U.S.C. § 3582(c)(2).

It is so **ORDERED**.

ENTER this 20th day of January 2015.



ALETA A. TRAUGER
U.S. District Judge